

111TH CONGRESS
1ST SESSION

H. R. 2039

To clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Ms. KAPTUR (for herself and Mr. HARE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Made
5 in America Promise Act of 2009”.

1 **SEC. 2. APPLICABILITY OF BUY AMERICAN ACT TO LEGIS-**
2 **LATIVE BRANCH; NO EXCEPTIONS FOR PROD-**
3 **UCTS BEARING CONGRESSIONAL SEAL.**

4 (a) IN GENERAL.—Section 2 of the Buy American
5 Act (41 U.S.C. 10a) is amended—

6 (1) by striking “Notwithstanding” and insert-
7 ing the following:

8 “(a) IN GENERAL.—Notwithstanding”; and

9 (2) by adding at the end the following:

10 “(b) CLARIFICATION OF APPLICABILITY TO ARTI-
11 CLES, MATERIALS, AND SUPPLIES FOR USE OF LEGISLA-
12 TIVE BRANCH.—

13 “(1) APPLICABILITY TO LEGISLATIVE
14 BRANCH.—Except as provided in paragraph (2),
15 subsection (a) applies with respect to articles, mate-
16 rials, and supplies acquired for the use of any office
17 in the legislative branch, including the House of
18 Representatives and the Senate, in the same manner
19 as such subsection applies with respect to articles,
20 materials, and supplies acquired for the use of a de-
21 partment or independent establishment.

22 “(2) SPECIAL RULE FOR PRODUCTS BEARING
23 CONGRESSIONAL SEAL.—In the case of any product
24 which bears the seal of the United States House of
25 Representatives, the seal of the United States Sen-
26 ate, or the seal of the United States Congress and

1 which is acquired for the use of an office of the leg-
2 islative branch, the following shall apply:

3 “(A) The head of the office may not make
4 a determination under subsection (a) that it is
5 inconsistent with the public interest to enter
6 into a contract in accordance with this Act.

7 “(B) The head of the office may not make
8 a determination under subsection (a) that an
9 article, material, or supply is not mined, pro-
10 duced, or manufactured, as the case may be, in
11 the United States in sufficient and reasonably
12 available commercial quantities and of satisfac-
13 tory quality.

14 “(C) The last sentence of subsection (a)
15 shall not apply.”.

16 (b) CONFORMING AMENDMENT.—Section 69 of the
17 Revised Statutes of the United States (2 U.S.C. 109) is
18 repealed.

19 **SEC. 3. EFFECTIVE DATE.**

20 The amendments made by this Act shall take effect
21 upon the expiration of the 180-day period which begins
22 on the date of the enactment of this Act.

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